

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : M. DeBeuckeleer
Serial No. : 09/758,987
Filed : January 11, 2001
For : METHODS AND KITS FOR IDENTIFYING
ELITE EVENT GA-SM1 IN BIOLOGICAL
SAMPLES
Examiner : J. Souaya
Group Art Unit : 1634

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date shown below.

Marilyn Matthes Brogan, Reg. No. 31,223

Name of Applicant, Assignee or Registered Representative


Signature

June 19, 2002

Date of Signature

**AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT
WITH REQUEST FOR EXTENSION OF TIME**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated March 26, 2002, please consider the following requests and remarks.

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. §§1.136(a) and 1.17(a), a two-month extension of the period for reply, i.e., to up to and including June 26, 2002 is respectfully requested. A check for \$400.00 is enclosed in payment of the fee. The Commissioner is hereby authorized to charge any additional required fee for this extension of time or any other fee occasioned by this paper, or credit any overpayment in such fees, to Deposit Account No. 50-0320.

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AMENDMENT

It is respectfully requested that the application be amended without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows:

In the Claims:

Please add the following claims:

-- 28. (New) A DNA molecule, which can be amplified from a nucleic acid sample of corn using a set of primers comprising a first and second primer, wherein the first primer comprises a sequence of 15 to 20 nucleotides that is complementary to a sequence within SEQ ID NO:6 or SEQ ID NO:10, and wherein the second primer comprises a sequence that is complementary to the foreign DNA present in said nucleic acid sample of corn.

29. (New) The DNA molecule of claim 28, wherein the first primer is represented by SEQ ID NO:11, and wherein the second primer is represented by SEQ ID NO:12.

30. (New) A DNA molecule, which can be amplified from a nucleic acid sample of corn using a set of primers comprising a first and second primer, wherein the first primer comprises SEQ ID NO:11, and wherein the second primer comprises SEQ ID NO:12.

31. (New) A detection kit comprising the DNA of claim 28.

32. (New) A DNA molecule isolated from corn tissue comprising SEQ ID NO:6 or SEQ ID NO:10.

33. (New) A DNA molecule isolated from corn tissue comprising a sequence of 20 nucleotides spanning the insertion site within SEQ ID NO:6 or SEQ ID NO:10. --

REMARKS

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-33 are pending in this application. Claims 28-33 have been added. No new matter is added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. The amendments of and additions to the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Support is found throughout the specification and from the pending claims.

II. RESTRICTION REQUIREMENT

The March 26, 2002 Office Action required restriction from among the following Groups:

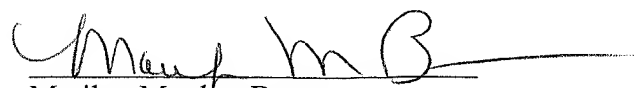
- I. Claims 1-7, 16-18 and 26-27, drawn to a method for identifying elite event GAT-ZMI and methods for confirming seed purity and screening for the presence of GAT-ZMI, classified in class 435, subclass 6; and
- II. Claims 8-15 and 19-25, drawn to nucleic acids for identifying elite event GAT-ZMI and kits comprising the nucleic acids, classified in class 536, subclass 23.1.

Applicants elect Group II, claims 8-15, 19-25 and 28-33 without traverse, and reserve the right to file one or more divisional applications directed to the non-elected claims. Favorable consideration of the elected claims on the merits is requested.

Respectfully submitted,

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